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18 January 2017

**By Email**

**Our ref**                      STMM/ROGN/SCO030.00065/100668.01107

Dear Emré

**Your Ref: TR010021**

**Application by Transport for London (TfL) for an order granting development consent for the proposed Silvertown Tunnel (the Application)**

**Southern Gas Networks plc and Birch Sites Limited**

We are instructed by Southern Gas Networks plc (SGN) and Birch Sites Limited, which is part of National Grid Property Holdings Ltd (NGP). These are Interested Parties in the examination of the Application whose land is proposed to be compulsorily acquired via the Application.

We are writing further to our letter of 4 January 2017, where we notified you of SGN and NGP's intention to attend the Compulsory Acquisition Hearing (CAH) scheduled for 20 January 2017.

As you will be aware from our previous correspondence, SGN and NGP are in advanced discussion regarding potential future comprehensive development proposals for their joint land interests. SGN and NGP have also both been in discussions with TfL regarding the impacts of the Application on their land, with a view to agreeing Heads of Terms. SGN and NGP held a productive meeting with TfL on Thursday 12 January 2017.

Therefore, we write to you today to notify you that SGN and NGP will not be attending the CAH on Friday 20 January 2017 and will instead be focusing on progressing the terms of a proposed agreement with TfL.

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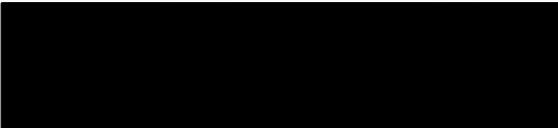
In relation to points 1, 2, 4, 5 and 6 raised in our letter of 4 January 2017 (a copy of which is enclosed for ease of reference), SGN and NGP have no further comments to make at this stage although SGN and NGP reserve their rights to make further representations in due course in the event that acceptable agreement with TfL is not reached.

In relation to point 3 raised in our letter of 4 January 2017, we would re-iterate that the inclusion of land which relates to a use of land outside of the Application scheme is objected to. The Application does not include Studio 338, which is effectively bounded by plots 01-047a, 01-058a, 01-058c and 01-060a, but does include land to be acquired in support of the continuing existence of Studio 338. This does not meet the public interest test required to authorise the compulsory acquisition of land in relation to the Application. It is envisaged that written representations will also be submitted, on behalf of both NGP and SGN, at Deadline 3 (27 January 2017) in relation to the permanent acquisition of land regarding Studio 338.

Please note that Studio 338 has submitted an application for planning permission to the Royal Borough of Greenwich (RBG). SGN has objected to this application, and a copy of SGN's letter of objection is enclosed for your assistance.

As noted above, discussions between SGN, NGP and TfL are ongoing with the focus on reaching an acceptable agreement to address SGN and NGP's concerns. SGN and NGP would both wish to have the opportunity to attend the CAH currently scheduled for 29 March 2017 and make representations as part of the examination into the Application and to attend any further hearings, if it becomes necessary.

Yours faithfully,



**Stephen McNaught**

**CMS Cameron McKenna LLP**

our ref: **BF/Q30195**  
your ref:  
email: ben.ford@quod.com  
date: 10 January 2017



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Dear Mr Mohtram,

**STUDIO 338 BAR, 338 TUNNEL AVENUE, GREENWICH, LONDON, SE10**  
**PLANNING APPLICATION 16/3945/F OBJECTION**

We are instructed by our client Scotia Gas Networks (SGN) who own a considerable piece of land adjacent to the application site known as Studio 338.

The planning application submitted under reference 16/3945/F for the reinstatement of a fire damaged property known as Studio 338 was validated on the 28<sup>th</sup> November 2016. Our client as adjacent land owner has not received notification of the application albeit has been made aware of the application and on this basis wishes to object to the proposal on the following grounds:-

- The Studio 338 Bar is a nightclub and entertainment facility which can host up to 3,000 people. This type of use is reflective of an industrial area where residential amenities are not taken into consideration and perhaps is a use that was acceptable where it was first envisaged some years ago. However, Greenwich Council as part of their vision within the Local Plan are promoting residential led mixed used development. In particular site GP3 (the gas holder site) is subject to a development brief that seeks comprehensive redevelopment against a series of key objectives. This includes high quality building spaces and accessibility delivered through residential development to compliment the 16,000 new homes proposed by Knight Dragon on adjacent land. It is considered that the reinstatement of the nightclub would prejudice the objectives of site brief GP3 and undermine the future aspirations as set out within the Royal Greenwich Local Plan.
- National Plan Policy Framework defines main town center uses as including entertainment and recreation facilities, such as bars, pubs, nightclubs etc. Section 2 of the NPPF (para.23 – 27) requires an analysis where town center uses are proposed and in particular para.24 confirms that Local Planning Authorities should apply a sequential test for planning applications including main town center uses that are not in an existing center and not in accordance with an up to date Local Plan. They should require applications for main town center uses to be located in town centers then in edge of center locations and only if suitable sites are not available, should out of center locations be considered. This application

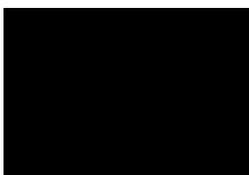


is not within a town center location and is not supported by a sequential assessment. As a result para.27 is relevant noting that where an application fails to satisfy the sequential test it should be refused.

- The NPPF also refers to the requirements for an impact analysis for leisure developments which are outside of town centers and not in accordance with an up to date Local Plan. The Local Authority will determine the extent to which an impact assessment is necessary however we would suggest that at the very least an analysis of the impacts associated with the operation by virtue of local amenity, noise and customer dispersion should be assessed. This does not appear to be submitted with the application and therefore the impacts of the 3,000 customers entering and leaving the site have not been adequately assessed by applicant and therefore the local planning authority do not have the necessary material to hand to make a decision.
- Fire Evacuation Facilities - The planning application drawings do not detail a fire evacuation strategy or development required to implement this and as a result we believe it would be advisable to ensure that this component forms part of the planning application. We believe that a fire evacuation strategy is material for the determination of the planning application in light of the history of the site and the implications of this strategy on adjacent land owners will be an important consideration for adjacent land owners.
- Hazardous Substances Consent – as you will be aware the site is located within the inner zone of the gas holder HSC and also within the inner zone of the Brenntag HSC. The Health and Safety Executive needs to be notified and we would welcome a copy of their advice.
- There are questions regarding the deliverability of the proposal given that part of the land is owned by our client SGN who have not readily given their permission for the redevelopment to take place.
- Part of the site is also leased from NGP but is only leased on a temporary basis. Part of the site will also be required for the Silvertown tunnel. These are material considerations which weigh against the grant of planning permission.

I trust that you will register this letter of objection and should you have any queries please do not hesitate to contact me. Please keep us advised on the progress of the application.

Yours sincerely,



Ben Ford  
Director

Enc.

cc: Neil Willey - Royal Borough of Greenwich